

**COUNCIL MEETING NOTICE AND AGENDA  
WEDNESDAY, MARCH 11, 2015**

**8:45 A.M. OR SOON THEREAFTER** RECEIVED

COUNCIL CHAMBERS  
HISTORIC COUNTY BUILDING  
4396 RICE STREET, SUITE 201  
LĪHUʻE, KAUAʻI, HAWAII 96766

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OFFICE OF  
THE COUNTY CLERK  
COUNTY OF KAUAI

A. MEETING CALLED TO ORDER.

B. ROLL CALL.

C. APPROVAL OF AGENDA.

D. MINUTES of the following meetings of the Council:

1. February 11, 2015 Public Hearing re: Bill No. 2573
2. February 11, 2015 Council Meeting
3. February 18, 2015 Special Council Meeting
4. February 25, 2015 Public Hearing re: Bill No. 2575, and Bill No. 2576

E. SPECIAL ORDER OF THE DAY:

1. C 2015-74      Communication (02/03/2015) from the County Engineer, recommending Council approval to renew a Right-of-Entry Agreement with Grove Farm Company, Inc., for gathering data to be used in the preparation of an Environmental Impact Statement (EIS) relating to the development of a new sanitary landfill and resource recovery park situated at Tax Map Key (TMK) No. (4) 3-8-02:001, Kalepa, Kauaʻi, Hawaiʻi; and to indemnify Grove Farm Company, Inc., as stated in the agreement.

- Right-of-Entry Agreement  
(*Pursuant to Council Rule No. 5(e), Council Absence*)

F. CONSENT CALENDAR:

1. C 2015-55      Communication (01/16/2015) from the Director of Human Resources, transmitting for Council information, the October-December 2014 Quarterly Report, pursuant to Section 19 of Ordinance No. B-2014-781, relating to the Operating Budget of the County of Kauaʻi for the Fiscal Year 2014-2015, which includes new hires, transfers, reallocations, promotions, and vacancies for the second quarter. (*See also CR-B&F 2015-09; the Budget & Finance Committee recommended C 2015-55 be received for the record.*)

2. C 2015-77      Communication (02/20/2015) from the Executive on Transportation, transmitting for Council consideration, a proposed draft Bill to amend Chapter 17A, Kaua'i County Code 1987, as amended, relating to Bus Fares, to amend the Kaua'i Community College (KCC) Bulk Rate Discount Program from twenty percent (20%) to fifteen percent (15%) of the cost of four (4) monthly bus passes. (*See Proposed Draft Bill (No. 2580)*)
3. C 2015-78      Communication (02/26/2015) from the Mayor, transmitting for Council consideration and confirmation, Mayoral appointee James D. Whitfield to the Cost Control Commission for the County of Kaua'i – Term ending 12/31/2017. (*See Resolution No. 2015-25*)
4. C 2015-79      Communication (02/26/2015) from Councilmember Kaneshiro, providing written disclosure of a possible conflict of interest and recusal, with regard to Bill No. 2571, relating to the development plans and future growth areas for the Lihū'e Planning District, as the Board of Ethics advised that a conflict may exist.
5. C 2015-80      Communication (03/02/2015) from Councilmember Kaneshiro, providing written disclosure of a possible conflict of interest and recusal, with regard to Bill No. 2576, relating to establishing regulations, procedures, zoning, development plans, and future growth areas for the South Kaua'i Planning District, and additions to Chapter 8 and Chapter 9, Kaua'i County Code 1987, as amended, as the Board of Ethics advised that a conflict may exist.
6. C 2015-81      Communication (03/03/2015) from Council Chair Rapozo, transmitting for Council consideration a proposed draft Bill to transfer \$225,000 from the General Fund – Unassigned Fund Balance to the Office of the County Auditor, Consultant Services account. This proposed draft supplemental money bill will allow the County Auditor to issue a Request For Proposal (RFP) for the Comprehensive Annual Financial Report (CAFR) and accompanying reports beginning with the reports for the Fiscal Year Ending June 30, 2015. (*See Proposed Draft Bill (No. 2581)*)

G. COMMUNICATIONS:

1. C 2015-82      Communication (02/19/2015) from the County Engineer, requesting Council approval for the Department of Public Works, Roads Division to purchase the following equipment using existing "Other Supplies" Base Yard Operating Funds (Fiscal Year 2014-2015):
  - One (1) Bush Mower Brushwolf 4200X, at an estimated cost of \$12,000;
  - Two (2) Road Tower Light Plants for the Hanalei and Hanapēpē Base Yards, at an estimated cost of \$11,000 each (total \$22,000);
  - One (1) Electronic Road Message Board, at an estimated cost of \$20,000; and
  - Two (2) Utility Trailer Zieman 1170 Tilt Type for the Kapa'a and Hanapēpē Base Yards, at an estimated cost of \$11,000 each (total \$22,000).
2. C 2015-83      Communication (02/20/2015) from the Chief of Police, requesting Council approval to purchase a forklift using unexpended funds from the Police Department, Administrative & Technology Bureau, Repair and Maintenance Vehicles account, at a cost of approximately \$60,000, to move large evidence items such as vehicles at the Līhu'e Police Station.

H. LEGAL DOCUMENT:

1. C 2015-84      Communication (02/18/2015) from the Executive on Transportation, recommending Council approval of a Grant of Easement with Hokulei Village LLC to the County of Kaua'i, for access and bus shelter purposes related to a public transit bus stop at Hokulei Village Shopping Center, Tax Map Key (TMK) No. (4) 3-3-003:046, Līhu'e, Kaua'i, Hawai'i.
  - Grant of Transit Easement

I. CLAIM:

1. C 2015-85      Communication (02/24/2015) from the Deputy County Clerk, transmitting a claim filed against the County of Kaua'i by Darryl D. Perry, Chief of Police, County of Kaua'i, for Standard of Conduct Differential (SOCDD) compensation, pursuant to Section 23.06, Charter of the County of Kaua'i.

J. COMMITTEE REPORTS:1. PLANNING COMMITTEE:**a. CR-PL 2015-07:** on Bill No. 2575

A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO ZONING DESIGNATION FOR CERTAIN NON-ZONED LANDS **[Approved.]**

2. BUDGET & FINANCE COMMITTEE:**a. CR-BF 2015-09:** on C 2015-55

Communication (01/16/2015) from the Director of Human Resources, transmitting for Council information, the October-December 2014 Quarterly Report, pursuant to Section 19 of Ordinance No. B-2014-781, relating to the Operating Budget of the County of Kaua'i for the Fiscal Year 2014-2015, which includes new hires, transfers, reallocations, promotions, and vacancies for the second quarter. **[Received for the Record.]**

K. RESOLUTION:

1. Resolution No. 2015-25 – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE COST CONTROL COMMISSION (*James D. Whitfield*)

L. BILLS FOR FIRST READING:

1. Proposed Draft Bill (No. 2580) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 17A, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO BUS FARES

2. Proposed Draft Bill (No. 2581) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2014-781, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2014 THROUGH JUNE 30, 2015, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND (*Office of the County Auditor, Consultant Services - \$225,000*)

M. BILLS FOR SECOND READING:

1. Bill No. 2574 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAXES (*Real Property Tax Relief for the 2015 Tax Year*) (*Deferred February 25, 2015*)

2. Bill No. 2575 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO ZONING DESIGNATION FOR CERTAIN NON-ZONED LANDS (*See also CR-PL 2015-07; the Planning Committee recommended approval on second and final reading.*)

**N. EXECUTIVE SESSION:** *Pursuant to Hawai'i Revised Statutes (HRS) §92-7(a), the Council may, when deemed necessary, hold an Executive Session on any agenda item without written public notice if the Executive Session was not anticipated in advance. Any such Executive Session shall be held pursuant to HRS §92-4 and shall be limited to those items described in HRS §92-5(a). (Confidential reports on file in the County Attorney's Office and/or the County Clerk's Office. Discussions held in Executive Session are closed to the public.)*

### **O. ADJOURNMENT.**

P. PUBLIC HEARING NOTE: If the Council is not finished with this meeting by approximately 1:30 p.m., it will recess for public hearings on the following. After the public hearings, the Council will reconvene to complete any unfinished business.

*[\*For complete information, including a summary of the item, please refer to the official Notice of Public Hearing. The official Notice of Public Hearing has been published, posted on the bulletin board, and filed in the County Clerk's Office as required by law. Notwithstanding this Council Agenda, the Council may hold a public hearing on any item which has been posted in advance in compliance with the Sunshine Law.]*

**For a copy of the notice, please go to:**

<http://www.kauai.gov/Government/CountyCouncil/PublicHearingNoticesandMinutes/tabid/599/Default.aspx>

1. Bill No. 2577 – A BILL FOR AN ORDINANCE AMENDING ZONING CONDITION IN ORDINANCE NO. PM-31-79, AND ORDINANCE NO. PM-2009-391 RELATING TO ZONING DESIGNATION IN PO'IPU, KAUAI (*John Horwitz, Peter Baldwin, Matthew B. Guard, and George Robinson, Successor Co- Trustees of the Eric A. Knudsen Trust under Deed of Trust dated April 30, 1922, Applicants*)
2. Bill No. 2578 – A BILL FOR AN ORDINANCE AMENDING ZONING CONDITION IN ORDINANCE NO. PM-2001-354, RELATING TO ZONING DESIGNATION IN PO'IPU, KAUAI (*John Horwitz, Peter Baldwin, Matthew B. Guard, and George Robinson, Successor Co- Trustees of the Eric A. Knudsen Trust under Deed of Trust dated April 30, 1922, Applicants*)
3. Bill No. 2579 – A BILL FOR AN ORDINANCE AUTHORIZING THE OFFICE OF THE COUNTY AUDITOR TO PROCURE THE SERVICES OF A CONTRACT AUDITOR AND APPROVING A CONTRACT FOR A CONTRACT AUDITOR FROM APPROPRIATIONS OF A LATER FISCAL YEAR FOR MORE THAN ONE FISCAL YEAR

Q. NOTE: SPECIAL ACCOMMODATIONS AND SIGN LANGUAGE INTERPRETER AND INTERPRETERS FOR NON-ENGLISH SPEAKING PERSONS ARE AVAILABLE UPON REQUEST FIVE (5) DAYS PRIOR TO THE MEETING DATE, TO THE COUNTY CLERK, 4396 RICE STREET, SUITE 209, LIHU'E, KAUAI, HAWAII 96766. TELEPHONE NO. (808) 241-4188. FACSIMILE NO. (808) 241-6349.